

EXHIBIT 16

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC

Plaintiff,

vs.

Case No.

UBER TECHNOLOGIES, INC.; 17-cv-00939-WHA

OTTOMOTTO, LLC; OTTO

TRUCKING LLC,

Defendants.

ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF TRAVIS KALANICK

San Francisco, California

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Volume I

REPORTED BY:

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1 many people at the company. 08:55:13

2 And when you hear of something like
3 somebody downloading files, you say, Look, have --
4 has any of these files made it over to Uber?

5 And you get through that question, and 08:55:28
6 then the next question or the next sort of
7 statement or command is, You need to make sure that
8 nothing of any kind that comes from any previous
9 place makes it to this company, period.

10 Q. What did you say to Mr. Levandowski on 08:56:08
11 that subject?

12 A. I made it very clear to him that we -- I
13 made it very -- well, the first question is, Did
14 anything make it to Uber?

15 And he made it very clear to me that 08:56:22
16 absolutely nothing that he downloaded made it to
17 Uber in any way.

18 And the second part is, I made it very
19 clear to him how important it was to me that that
20 was the case and that we would look into 08:56:37
21 everything, every server, every person at the
22 company, to make sure that that was true.

23 Q. Okay. So -- when -- when did this
24 conversation happen?

25 A. I don't remember -- I don't remember when 08:56:50

1 this specific conversation happened or like the 08:56:52
2 exact date or time, but I know that that kind of
3 conversation happened with him.

4 Q. How do you know that?

5 A. I just -- I just generally recollect that 08:57:07
6 kind of conversation.

7 Q. But you don't remember when it happened?

8 A. No.

9 Q. Do you remember what month it happened
10 in? 08:57:18

11 A. I mean, I can guess that it was pretty
12 close to the all-hands meeting.

13 Q. Was it after or before the all-hands
14 meeting?

15 A. I feel like that was after, but I don't 08:57:31
16 know for sure. It may have been after the
17 complaint and before the all-hands, but I -- I
18 can't remember for sure.

19 Q. Was it in February of 2017?

20 A. I mean, whenever the complaint was and 08:57:50
21 the all-hands, there was probably, I don't know,
22 maybe 12 to 24 hours in between. It was either in
23 that portion of time or in the hours following the
24 all-hands meeting. And I don't know exactly --

25 Q. Was the conversation in person? 08:58:00

1 A. I don't know for sure. 08:58:04
2 Q. Was it over the phone?
3 A. It may have been.
4 Q. But you don't remember if it was in
5 person or over the phone? 08:58:14
6 A. I do not know.
7 Q. Was anyone else present during the
8 conversation or on the line?
9 A. I don't know for sure. I mean, on the
10 line, my guess is probably not if it were over the 08:58:23
11 phone. If it were in person, it could have just
12 been like passing in the hall, or it could have
13 been that I was with an attorney. I just don't --
14 I don't remember.
15 Q. Would that have been set on your 08:58:41
16 calendar?
17 A. It may have been. I don't know. I -- I
18 don't -- I don't know.
19 Q. Did you schedule a meeting with him about
20 it? 08:58:54
21 A. I don't remember a specific meeting about
22 it other than the all-hands, of course.
23 Q. What did you say to him specifically?
24 A. I don't remember what I specifically
25 said. 08:59:25

1 Q. What did you say to him generally? 08:59:25

2 A. I generally said -- well, the -- the
3 first -- the first thing is, Did any of these files
4 make it over to Uber?

5 Q. Okay. So you asked him that question. 08:59:38

6 A. Yes.

7 Q. What did he say?

8 A. He said, Absolutely not.

9 Q. Did you ask him, Did you take Google
10 files with you? 08:59:48

11 A. I did not ask him.

12 Q. Why not?

13 A. I -- I don't know. I just didn't.

14 Q. Wouldn't that be important to you to
15 know? 08:59:56

16 MS. DUNN: Objection to form.

17 THE DEPONENT: My biggest concern was
18 that nothing from Google ended up at Uber. That
19 was the most important thing for me.

20 Q. (By Mr. Verhoeven) But you were 09:00:09
21 concerned that -- that -- about the allegation that
22 he downloaded 14,000 proprietary files from Google
23 before he left and joined your company, weren't
24 you?

25 MS. DUNN: Objection to form. 09:00:19

1 THE DEPONENT: I was very -- I didn't 09:00:21
2 know the details of the allegation. We were going
3 to -- we were going to look into that allegation
4 and find out what the details were.

5 But in the -- in the moment of that 09:00:33
6 complaint and sort of let's call it the following
7 days, my No. 1 concern is that nothing from Google
8 ended up at Uber. Period.

9 And I was not just going to ask and find
10 out, Hey, did anything make it? But I was also 09:00:50
11 going to do everything in my power to verify that
12 that was true.

13 Q. (By Mr. Verhoeven) But my question was,
14 certainly you were concerned about the allegation
15 that had been made in the complaint that 09:01:04
16 Mr. Levandowski took files with him when he left
17 Google to join Uber.

18 MS. DUNN: Objection to form.

19 Q. (By Mr. Verhoeven) Weren't you concerned
20 about that? 09:01:19

21 A. Anytime there's an allegation, and
22 including this kind of allegation, you're going to
23 have some kind of concern. And then the next thing
24 is you have to start looking into it and find out
25 what's true. 09:01:31

1 Q. At the time you had the conversation, you 09:01:32
2 were concerned about that, right?

3 A. Yes. But what I -- but what I was most
4 concerned about was making sure that nothing from
5 Google -- verifying that nothing from Google had 09:01:43
6 made it over to Uber.

7 Now, I was generally confident that
8 nothing had. But when an allegation like that
9 comes, you need to double- and triple-check.

10 Q. But you are sure you didn't ask him 09:01:57
11 whether he downloaded those files?

12 A. He admitted that he downloaded files.

13 Q. Okay. Did you talk about that with him
14 when you had this conversation shortly after the
15 complaint? 09:02:07

16 A. I don't remember doing that, no.

17 Q. Why wouldn't you?

18 MS. DUNN: Objection to form.

19 THE DEPONENT: I was most concerned about
20 whether files had made it to Uber and had -- that's 09:02:22
21 where I'm starting.

22 You can imagine being in my position.
23 The first thing you're going to ask, Did anything
24 that you have from your previous employer make it
25 to Uber? 09:02:32

1 And then you get a very confirma- -- I 09:02:34
2 got a very confirmatory, Absolutely not.

3 And then my second thing is, We are going
4 to make sure that that is the case. We are going
5 to have independent investigators look into this 09:02:44
6 and find out whether that is true. And you need to
7 make sure that that continues to be true.

8 Q. (By Mr. Verhoeven) Okay. Do you
9 remember what you said to him about having
10 independent investigators -- 09:03:02

11 A. No.

12 Q. -- make sure?

13 A. I don't remember the specifics, but we
14 certainly had an investigation that started looking
15 through every server forensically, and started 09:03:15
16 interviewing -- started interviewing, you know,
17 many engineers, dozen of engineers, to verify that
18 they hadn't seen any files, and verify that those
19 files never touched us.

20 Q. Did you direct that specifically to 09:03:33
21 happen?

22 A. Our chief security officer, Joe Sullivan,
23 did.

24 Q. And how do you know that?

25 A. At some point I was told that that was 09:03:42